



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, WA 98115

Refer to:
OSB1999-0069

April 23, 1999

Fred Patron
Federal Highway Administration
The Equitable Center, Suite 100
530 Center St. NE
Salem, Oregon 97301

RE: Biological Opinion for the Joe Creek Culvert Project
On OR-53 MP 0.6

Dear Mr. Patron:

The National Marine Fisheries Service (NMFS) has received your April 9, 1999, request for consultation under the Endangered Species Act (ESA) for a site specific culvert project. The existing culvert is a 94 inch corrugated metal pipe. The outlet is perched 12 inches making entry into the culvert difficult at low flows. A roughened chute (23 feet long) would be constructed using Class 1000 riprap at the outlet. The top of the chute would be 4 inches above the culvert floor at the outlet to backwater the culvert. A loose riprap berm would be constructed along the north bank below the outlet to prevent erosion. The berm would extend 8 feet beyond the end of the chute. The berm would be capped with a log. Expandable ring weirs may be installed inside the culvert in the future if determined by monitoring to be necessary. The action as proposed for 1999 is within the scope of the category of actions described in the attached biological report. This letter and attached biological report constitutes the NMFS Biological Opinion and formal consultation.

This project is described in the individual biological assessment (IBA) and the Program Biological Assessment (PBA) previously submitted and as referenced in the attached biological report.

This opinion considered the effects of the proposed action on the Oregon Coast coho salmon (OC coho) (*Oncorhynchus kitsutch*) which occur in the project area.

The current status, biological information, and critical habitat elements for OC coho are referenced in Table 1 in the attached biological report. The NMFS has applied jeopardy standards as further described in the biological report. The environmental baseline for the action area is described in the IBA. The NMFS has determined that actions that do not maintain or restore properly functioning stream conditions would likely jeopardize the OC coho.

The effects of the proposed actions have been considered using the methods described in

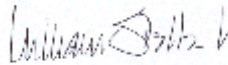


“Making ESA Determinations of Effect for Individual or Grouped Actions at the Watershed Scale”. The effects of the proposed action have been evaluated based on ODOT’s General Minimization and Avoidance Measures, as attached. The effects of this action are expected to restore properly functioning conditions and not cause further degradation of the environmental baseline. NMFS does not expect this action to diminish the value of the critical habitat for survival of OC coho. NMFS has determined, based on available information, that the proposed action covered in this opinion is not likely to jeopardize the continued existence of the indicated species.

Taking of indicated species is not prohibited provided that the taking is incidental to the agency’s action and that the action is consistent with the reasonable and prudent measures and the terms and conditions as specified in Section X of the biological report.

Questions regarding this letter should be directed to Nancy Munn (503/231-6269) of my staff.

Sincerely,

A handwritten signature in blue ink, appearing to read "William Stelle, Jr.", is positioned above the typed name.

William Stelle, Jr.
Regional Administrator

cc: Pieter Dykman, ODOT Research Unit Manager
Randy Floyd, ODOT Wildlife Biologist
Randy Reeve, Oregon Department of Fish and Wildlife
Alan Lively, ODOT Roadway Engineering
John Cambalik, ODOT Region 2
Tom Feeley, ODOT District 1